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BUREAU OF LAND MANAGEMENT

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DECISION

DECEMBER 13, 2018 OIL AND GAS LEASE SALE PROTEST OF

20 PARCELS

PROTESTS OF 20 PARCELS DENIED

20 Protested Parcels Will Be Offered for Sale

On October 19, 2018, the Bureau of Land Management (BLM) Colorado State Office (CSO) moved from the December 2018 Competitive Oil and Gas Lease Sale (Lease Sale) 142 parcels containing Greater sage-grouse habitat totaling approximately 141,478 acres, and rescheduled the sale date for the remaining parcels from December 6 to December 13. On October 26, 2018, CSO posted a Notice of Competitive Oil and Gas Lease Sale (Sale Notice) for the quarterly Lease Sale, describing 81 parcels comprising 82,863.34 acres of federal mineral estate in the State of Colorado that would be offered for an internet-based lease sale. The posting of the Sale Notice initiated a 10-day protest period that concluded on November 5, 2018.

On November 2, 2018, CSO issued an addendum to the Sale Notice in which the BLM deferred 58 of the remaining parcels, consisting of 74,516 acres, from the Lease Sale in response to requests from the State of Colorado. First, BLM Colorado deferred the parcels that contain big game habitat in cooperation with a request from the State of Colorado to delay leasing to allow consideration of further habitat protections. Second, BLM Colorado deferred parcels in the North Fork Valley in response to the State's request that leasing be delayed until the Uncompahgre Field Office's Resource Management Plan is completed. As a result of these deferrals, CSO's Sale Notice included 23 parcels of federal fluid mineral estate, comprising 8,347.340 acres.

On December 7, 2018, CSO issued a second addendum to the Sale Notice in which the BLM deferred three more parcels, consisting of 500.09 acres, from the Lease Sale. BLM Colorado deferred the parcels, which are located in the Colorado River Valley Field Office, because of a recent federal court decision that found National Environmental Policy Act (NEPA) deficiencies in the Environmental Impact Statement for the field office's Resource Management Plan (RMP). As a result of the additional deferrals, CSO's Sale Notice now proposes to offer 20 parcels of federal fluid mineral estate, comprising 7,847.250 acres, at the Lease Sale.

The protest period for the Lease Sale began October 26, 2018, and closed on November 5, 2018. During this 10-day protest period, the BLM CSO received numerous timely protest letters specifically addressing the 20 parcels being offered, representing 11 organizations and five individuals. BLM is sending copies of this protest response to all of these individual protesters by U.S. Mail.

In addition, CSO received 2,412 form letter protests generated through a Facebook invitation by one of the 11 protesting organizations, WildEarth Guardians. The substantive comments from the form letter are addressed along with WildEarth Guardians' other comments, below. Additionally, 78 of these form letters were modified such that they only addressed UFO parcels deferred from

the Lease Sale. BLM's responses to all three sets of protests (individual, form, and modified form) will be sent to WildEarth Guardians. For the web-based form protests, BLM's responses will be posted at this BLM website:

<https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage¤tPageId=162393>

Of the five unique letters that came from individuals, four originated as the WildEarth Guardians form letter but were modified with additional substantive comments that are addressed individually in this response. All of the individual protests included objections to parcels that were removed or deferred from the Lease Sale. Those elements of the protests are hereby dismissed without further consideration.

The record shows that all protesting organizations had submitted written comments on documents previously posted for public review by the BLM regarding the Lease Sale. The Center for Biological Diversity submitted a protest on behalf of itself, WildEarth Guardians, Wilderness Workshop, Sierra Club, Western Environmental Law Center, Rocky Mountain Wild, Living Rivers Colorado Riverkeeper, and Waterkeeper Alliance (collectively CBD). WildEarth Guardians submitted another protest on behalf of itself, Center for Biological Diversity, and Waterkeeper Alliance (collectively WEG). The Wilderness Society submitted a protest on behalf of itself, Conservation Colorado, and Western Colorado Alliance for Community Action (collectively TWS). The individual protest letter was received from Cristina Harmon (CH). The four modified WEG protest form letters were received from Eugene Brusin (EB), Peter Ayers (PA), Linda Bauer (LB), and Bob Miller (BM).

The following summarizes the substantive points made by the protesting parties regarding the Colorado BLM's evaluation of the effects that would result from leasing the 20 parcels being offered in the Lease Sale.

Among the organizations, WEG's protest topics included the validity of the sale due to inadequate time for public participation; various perceived deficiencies in compliance with NEPA and the Federal Land Policy and Management Act of 1976 (FLPMA); impacts to water quality, water quantity, air quality, public health, and wildlife, quantification of greenhouse gas (GHG) emissions; and the social and economic costs of burning fossil fuels, including from pollution, lost opportunities, and climate-driven environmental impacts. TWS's protest focused on the validity of the sale due to inadequate time for public participation, and various perceived deficiencies in complying with NEPA. CBD's protest also cited concern for the validity of the sale due to inadequate time for public participation, and various perceived deficiencies in complying with NEPA and FLPMA, but also included health impacts from fracturing-related air and water pollution and seismic risks, quantification of GHG emissions and the risks of continuing to burn fossil fuels, and impacts to the Colorado River habitat for endangered fish species that it believes require new Endangered Species Act Section 7 consultation with the US Fish and Wildlife Service (USFWS) before leasing.

Among the individual protesters, EB suggested oil and gas companies that lease and develop federal fluid minerals should be indefinitely held financially liable for site restoration and remediation. PA suggested BLM needs to conduct a full study of available water, the amount used by the oil and gas industry, and the amount needed by human and natural communities. LB suggested BLM had not considered the impacts to fish, wildlife, and endangered species. BM was concerned over damage to local roads from heavy vehicles and equipment, and to the natural scenery from oil and gas operations. CH was concerned about the added air quality and visibility impacts to northwestern Colorado and Rocky Mountain National Park, the limited public comment periods, and contributing to climate change, and suggested that a Master Leasing Plan for the Kremmling Field Office area requires landscape level planning.

Table 1: Twenty Lease Sale Parcels, 11 Protesting Organizations and Five Protesting Individuals

Protesting Organization or Individual	Sale Parcels Protested by Serial Number	
WEG* EB PA LB BM	COC 79285	COC 79321
	COC 79286	COC 79322
	COC 79287	COC 79323
	COC 79288	COC 79324
	COC 79289	COC 79325
	COC 79290	COC 79326
	COC 79300	COC 79327
	COC 79301	COC 79330
	COC 79305	COC 79331
	COC 79320	COC 79338
CBD		COC 79330
		COC 79331
TWS	COC 79300	COC 79324
	COC 79301	COC 79325
	COC 79305	COC 79326
		COC 79327
		COC 79330
		COC 79331
		COC 79338
CH		COC 79324
		COC 79325
		COC 79326
		COC 79327

*The 2,412 individuals who submitted web-based protests referred to the same issues and parcels as WEG.

BACKGROUND

The Colorado BLM accepted expressions of interest for the December 2018 Lease Sale until June 1, 2018. During scoping, BLM originally considered for potential sale 232 parcels comprising 237,324.240 acres of federal and split estate land within the state of Colorado. These initial considerations involved seven field offices, Royal Gorge (RGFO), Grand Junction (GJFO), Uncompahgre (UFO), Colorado River Valley (CRVFO), White River (WRFO), Little Snake (LSFO), and Kremmling (KFO). By field office, the parcels are in the following counties:

- RGFO: Las Animas, Washington, Weld
- GJFO: Garfield, Mesa
- UFO: Delta, Gunnison, Ouray
- CRVFO: Garfield, Mesa
- WRFO: Garfield, Moffat, Rio Blanco
- LSFO: Moffat, Routt
- KFO: Jackson

After preliminary adjudication of the 232 parcels by the BLM CSO, the parcels were reviewed by the seven field offices. A 15-day public scoping period for the initial parcel maps occurred from July 2 to 17, 2018. The field office interdisciplinary review included field visits to the parcels, as appropriate, and determination of conformance with the current RMPs. Environmental Assessments (EA) were prepared for RGFO and UFO. Determinations of NEPA Adequacy (DNA) were prepared for the other offices.

- RGFO EA: DOI-BLM-CO-F020-2018-0067-EA
- UFO EA: DOI-BLM-CO-N040-2018-0075-EA
- CRVFO and GJFO DNA: DOI-BLM-CO-N040-2018-0074-DNA
- WRFO, LSFO, and KFO DNA: DOI-BLM-CO-N050-2018-0098-DNA

The field offices prepared the EAs and DNAs in compliance with NEPA to consider opportunities for private individuals or companies to explore and develop oil and gas resources on the 232 parcels through a competitive leasing process.

On November 2, 2018, CSO deferred from the Lease Sale the parcels evaluated in the UFO EA, thus the EA was not finalized. On December 7, 2018, CSO deferred from the Lease Sale the CRVFO parcels, but the GJFO parcels described in the CRVFO/GJFO DNA remain under consideration.

The RGFO preliminary EA was posted for a public comment period from August 27 to September 11, 2018. Comments received during the 15-day period were considered and incorporated into the EA as appropriate. The Proposed Action in the RGFO EA was to offer 12 parcels (5,217.410 acres) in the Lease Sale. This figure is comprised of 1.49 acres of federal land and 5,215.92 acres of split estate land.

The DNA for WRFO, LSFO, and KFO was prepared by BLM Colorado's Northwest District Office. Consistent with BLM Instruction Memorandum 2018-034, BLM did not post a draft of the DNA for public comment. Initially, BLM included 203,282.280 acres in these three field offices in scoping for the Lease Sale. BLM removed 6,595.740 acres before publication of the Sale Notice, as they did not conform to the associated RMPs. The current Sale Notice, after the November 2, 2018 amendment, proposes to offer to lease eight parcels in these three field offices totaling 5,468.950 acres of federal mineral estate within the WRFO (two parcels, 1,937.08 acres), LSFO (two parcels, 1,851.66 acres), and KFO (four parcels, 1,680.21 acres).

BLM considered whether offering the parcels in the WRFO, LSFO, and KFO would be consistent with the oil and gas availability decisions and lease stipulations adopted in the following RMPs: *White River Field Office Record of Decision and Approved Resource Management Plan Amendment for Oil and Gas Development* (WRFO RMPA) approved August 2015; *Little Snake Record of Decision and Resource Management Plan* (LSFO RMP/EIS) approved October 2011, *as amended by the Northwest Colorado Greater Sage-Grouse Approved Resource Management Plan Amendment*, (GRSG ARMPA), September 2015; *Kremmling Record of Decision and Approved Resource Management Plan* (KFO RMP), approved June 2015, *as amended by the GRSG ARMPA*; and GRSG ARMPA, September 2015. BLM also evaluated whether the NEPA analyses in the EISs for the aforementioned planning decisions, together with that in the Environmental Assessment for the June 8, 2017 Competitive Oil and Gas Lease Sale (WRFO, LSFO and KFO) (June 2017 EA), were sufficient to inform the decision-maker's consideration of the proposed action.

For GJFO and CRVFO, BLM initially included 19,606.440 acres in scoping for the lease sale. The initial Sale Notice included 17 parcels containing 19,606.440 acres in the CRVFO and GJFO. The current Sale Notice, after the November 2 and December 7 amendments, proposes to offer in the Lease Sale two GJFO parcels totaling 204.73 acres of federal mineral estate, and no CRVFO parcels.

BLM considered whether offering the GJFO parcels would be consistent with the oil and gas availability decisions and lease stipulations adopted in two recently approved planning documents: *Grand Junction Field Office Record of Decision and Approved Resource Management Plan* (GJFO ROD/RMP), August 2015, and *Northwest Colorado Greater Sage-Grouse Approved Resource Management Plan Amendment* (GRSG ARMPA), September 2015. BLM also evaluated whether the NEPA analyses in the EISs for the aforementioned planning decisions, together with that in the June 2017 EA, were sufficient to inform the decision-maker's consideration of the proposed action.

BLM posted the revised EA for the RGFO parcels and the DNAs for the WRFO, LSFO, KFO, and GJFO parcels along with the Sale Notice for the December 2018 Lease Sale on October 26, 2018.

For parcels in RGFO, the reasonably foreseeable impacts of the proposed December 2018 Lease Sale and alternatives are described and analyzed in the RGFO EA. The decision framework for the other parcels in the December 2018 Lease Sale is based on the alternatives described and analyzed in the June 2017 EA and the EISs for the WRFO RMPA, LSFO RMP, KFO RMP,

GJFO ARMP, and GRSG ARMPA. The Final EISs contain the BLM's analyses of the reasonably foreseeable direct, indirect, and cumulative effects of oil and gas leasing and development of lands in the field offices, including the lands under consideration here for the respective field offices. The June 2017 EA considered the leasing of similar lands in the same field offices as those under consideration here in the WRFO, LSFO, and KFO, and included a statewide air-quality impacts analysis that informs the leasing decision for parcels in all of these field offices (WRFO, LSFO, KFO, and GJFO). The DNAs confirm the adequacy of the analyses in the EISs and June 2017 EA to inform the decision whether to offer the parcels for leasing in the December 2018 Lease Sale.

ISSUES

This protest response addresses the issues raised in the various protest letters. Many protest issues for the RGFO lease sale were previously identified and addressed in the RGFO's responses to public comments in its EA. See Attachment F of DOI-BLM-CO-F020-2018-0067-EA, starting on page 117, Summary of Substantial Public Comment Topics. Attachment F can be accessed at the following Internet address:

https://eplanning.blm.gov/epl-front-office/projects/nepa/109148/160399/196102/RGFO_EA_Protest_December2018.pdf

Similarly, many issues raised in protests to the leasing of parcels in the other field offices were previously identified and addressed in the June 2017 EA and the RMP EISs, which contained the BLM's responses to public comments and can be accessed at the following Internet addresses:

June 2017 EA for WRFO, LSFO and KFO: https://eplanning.blm.gov/epl-front-office/projects/nepa/85574/117707/143438/2017O&G_EA_FINAL-20170818.pdf

EIS for the WRFO RMPA: https://eplanning.blm.gov/epl-front-office/projects/lup/65266/79043/91308/2015_Oil_and_Gas_Development_RMPA_ROD.pdf

EIS for the LSFO RMP: <https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage¤tPageId=93687>

EIS for the KFO RMP: https://eplanning.blm.gov/epl-front-office/projects/lup/68543/89344/106850/KFO-ARMP-ROD-FINAL_Approved-20150618_508Compliant.pdf

EIS for the GJFO RMP: <https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage¤tPageId=74173>

EIS for the GRSG ARMPA: <https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=90121&dctmId=0b0003e880fb63b3>

This response does not repeat or restate answers that the BLM has provided to the public previously. However, additional information is provided below as appropriate and specific to this proposed leasing action.

The BLM has reviewed your protest arguments in their entirety; the substantive issues are summarized and grouped below, with BLM's responses following.

Issue 1: BLM failed to fully comply with NEPA and FLPMA.

Protesting Organizations and Individual: WEG, CBD, TWS, CH

Issue 1a: BLM must prepare an Environmental Impact Statement for lease sales, which includes alternatives of no new leasing and no fracking. BLM Colorado's field office RMPs lacked a no leasing alternative or a no fracking alternative. BLM failed to consider a reasonable range of alternatives in the Colorado field offices' Resource Management Plans.

BLM Response

The analyses in the existing EISs for the CFVFO, GJFO, KFO, WRFO and LSFO RMPs are comprehensive and sufficient. As explained in the DNAs completed for this Lease Sale, the Final EIS documents for each field office analyzed the reasonably foreseeable direct, indirect and cumulative impacts of oil and gas leasing and potential future development. The alternatives in the EISs considered making various combinations of lands open to potential future leasing, subject to a range of restrictive stipulations. BLM provided public comment periods during the preparation of each RMP. The BLM has no new data or information about changed circumstances that would require it to analyze in greater detail the potential impacts of leasing, beyond that provided in the Final EISs. Moreover, the issuance of a federal oil and gas lease, by itself, does not authorize any surface disturbing oil and gas operations for the leased lands.

Where the BLM has not recently completed an EIS for RMPs (RGFO), the BLM has prepared an EA in order to complete up-to-date analysis of leasing parcels in that field office. The RGFO EA analyzed a no leasing alternative. BLM considered the significance criteria from 40 CFR 1508.27 and found that there would be no significant impact from offering the parcels for sale. See the Findings of No Significant Impact (FONSI) for the RGFO EA. Therefore, preparation of an EIS is not required.

The BLM considered a range of alternatives during each planning process in full compliance with NEPA. The CEQ regulations (40 CFR 1502.14(a)) require that the BLM consider a range of alternatives that respond to "the underlying purpose and need" for the project (40 CFR 1502.13); therefore, the range of alternatives is thus limited to alternatives that meet the identified purpose of and need for action.

While there are many possible alternatives or potential actions to manage BLM-administered lands, the BLM fully considered the planning issues and criteria developed during the scoping process for each RMP to determine a reasonable range of alternatives. Public input received during the scoping process for each RMP was considered to ensure that all issues and concerns would be considered, and addressed as appropriate, in developing the alternatives.

No new information was presented with this protest that would warrant further analysis. If oil and gas operations are proposed for any of the subject leases, the BLM would augment its existing NEPA analysis with a site-specific analysis of the proposals using the best available tools and most current data. For these reasons, we deny this portion of the protests.

Issue 1b: BLM is avoiding the disclosure of the full impacts of their oil and gas proposals. BLM's leasing proposals are making irreversible resource commitments, thus BLM must prepare Environmental Assessments at the leasing stage and not wait until there are Applications for Permit to Drill (APD). BLM improperly relies on Determinations of NEPA Adequacy (DNA) when site-specific impact analyses are needed.

BLM Response

To provide a more site-specific and detailed analysis of the impacts from lease development activities would require the BLM to speculate on the density of drilling locations, the number, characteristics, and specifications of related production equipment, and the rate at which the lease would be developed. The BLM cannot speculate in this manner; to do so would likely either under-estimate or over-estimate impacts. BLM's NEPA Handbook H-1790-1 at page 59 states: "... you are not required to speculate about future actions."

Often, where the context and intensity of environmental impacts such as those described by the commenters remain unidentifiable until exploration activities are proposed, the APD may be the first useful point at which a site-specific environmental appraisal can be undertaken. However, when site-specific impacts are reasonably foreseeable at the leasing stage, BLM undertakes analysis and disclosure of such reasonably foreseeable site-specific impacts. Although certain site-specific impacts remain unforeseeable at this time, the analysis in each field office's RMP-EIS encompasses the lands in each field office that are under consideration for this lease sale, and provides additional disclosure and analysis of the anticipated environmental impacts associated with offering and issuing leases for those lands.

The BLM agrees that some types of impacts of oil and gas development can be anticipated—at a very broad level—at the leasing stage. But in general, these are the same impacts that can be anticipated at the planning stage, unless new information has become available. BLM reviews existing GIS or other resource information, to determine whether offering the parcel for lease is consistent with the RMP and identify which lease stipulations should be applied. BLM uses the analysis in the supporting EIS (and any subsequent EA with relevant information) to evaluate whether the parcel should be offered.

If oil and gas operations are proposed for any of the subject lease parcels, the BLM will complete a site-specific NEPA analysis of the proposals utilizing the best available and most current data. That analysis may include an estimate of proposed completion activities, such as hydraulic

fracturing, and would address project-specific health and safety and environmental impacts. This site-specific analysis would guide the BLM's decision whether to approve the proposed oil and gas operations, and if so, under what permit conditions.

For these reasons, we deny this portion of the protests.

Issue 1c: BLM violates FLPMA by prioritizing oil and gas over all other uses of the public lands and resources.

BLM Response

FLPMA, also called the BLM Organic Act, requires the BLM to establish a planning process for the management of public lands that accommodates multiple uses while also preserving public lands. Under FLPMA, public lands may be managed for commercial uses, such as livestock grazing, mineral extraction and logging, or for recreational uses such as fishing, hunting, and off-highway motorized travel, among others. Additionally, lands are managed for conservation of scenic, biological, and cultural resources, among others.

Leasing of federal mineral resources is consistent with Section 102 (43 USC § 1701) of FLPMA, which states:

“The Congress declares that it is the policy of the United States that – (12) the public lands be managed in a manner which recognizes the Nation's need for domestic sources of minerals, food, timber and fiber from the public lands including implantation of the Mining and Minerals Policy Act of 1970 (84 Stat. 1876, 30 USC 21a) as it pertains to the public lands.”

The alternatives considered in the Colorado field offices' RMP-EISs, and selected as the approved RMPs, reflect the multiple use policies set forth in FLPMA. The BLM has implemented those policies by evaluating the lands proposed for leasing, confirming that they are open for leasing under the RMPs, applying stipulations consistent with the RMPs to protect known resources, and confirming that the existing NEPA analysis is sufficient to inform the leasing decision. Neither leasing nor developing the federal mineral estate precludes the management and use of the public lands for other purposes consistent with the RMPs.

No new information was presented with this protest that would warrant further analysis. For these reasons, we deny this portion of the protests.

Issue 1d: BLM must show there would be no impacts to air and water from spills, releases, industrial fires, and other industrial accidents.

BLM Response

BLM prepares EAs and EISs to inform decision makers and the public of the anticipated environmental risks of a proposed federal action. Under NEPA, BLM is not required to show there would be “no impact” to any resource from the proposed action in order for it to be approved.

No new information was presented with this protest that would warrant further analysis. For these reasons, we deny this portion of the protests.

Issue 1e: BLM must evaluate seismic health threats from oil and gas development.

BLM Response

The BLM analyzed public health and safety in detail in the field office RMP-EISs and in the RGFO EA.

The lack of specificity about types, locations, scales, intensities, timing, and duration of potential future oil and gas projects limits the depth of analysis possible at the planning stage, but nevertheless, the available information is sufficient to allow BLM to identify areas available or unavailable for oil and gas leasing and identify protective stipulations that should be applied to specific areas or resources.

At the leasing stage, the BLM uses staff knowledge of conditions in areas where the parcels are located, along with available resource data and information, to assess whether potential impacts associated with leasing the parcels have been adequately evaluated, and to identify the stipulations that should be applied to each parcel, consistent with the RMP. At the project development stage, the BLM analyzes detailed project and resource information to ensure that appropriate protections are put in place and enforced, including those related to human health.

If a parcel is leased, and the lessee proposes to develop it, BLM will perform a site-specific NEPA analysis of the impacts of the proposal. If BLM identifies seismic health threats from oil and gas development, it can apply appropriate Conditions of Approval (COA) that would mitigate those concerns.

No new information was presented with this protest that would warrant further analysis. For these reasons, we deny this portion of the protests.

Issue 1f: Three of the Kremmling Field Office parcels require landscape level planning under the master leasing plan.

BLM Response

Under current policy, BLM does not prepare MLPs in addition to RMPs. KFO completed a master leasing plan (MLP) in the 2015 KFO RMP, consistent with BLM's policy at the time. See BLM Instruction Memorandum (IM) 2010-117, Oil and Gas Leasing Reform – Land Use Planning and Lease Parcel Reviews (superseded by IM 2018-034)..

KFO analyzed approximately 390,600 acres of federal mineral estate as the North Park MLP. In the MLP analysis area, 376,600 acres are open to oil and gas leasing and development in the RMP. Approximately 14,000 acres of federal mineral estate in the MLP analysis area are closed to oil and gas leasing and geophysical exploration. The Approved RMP applies no surface occupancy (NSO), controlled surface use (CSU), and timing limitation (TL) leasing stipulations in the North Park MLP analysis area to protect resources. The KFO parcels proposed for the

December 2018 Lease Sale are within the North Park MLP area and are open to leasing under the KFO RMP and are subject leasing decisions made in the approved North Park MLP.

No new information was presented with this protest that would warrant further analysis. For these reasons, we deny this portion of the protests.

Issue 1g: The Royal Gorge Field Office leasing EA lacks a reasonable range of management alternatives; it is all or nothing.

BLM Response

Leasing decisions by the BLM are to lease or not to lease. The alternatives often consist of the proposed action that includes all potential lease parcels, and a no action alternative where none of the parcels are offered for lease. In some cases, BLM may identify a preferred alternative that differs from the other two in a way that aids its analysis. The two alternatives considered in the RGFO EA were sufficient for BLM to consider the potential impacts of leasing, and make an informed decision to offer all, some or none of the parcels for lease.

For these reasons, we deny this portion of the protests.

Issue 1h: BLM cannot lease the Royal Gorge Field Office parcels until it completes the Eastern Colorado Resource Management Plan and Final EIS.

BLM Response

Until the BLM revises or amends an existing Land Use Plan, the old plan decisions remain in effect. The decisions in the existing RMPs for the RGFO are sound and appropriate for current oil and gas leasing. BLM has identified potential direct and indirect impacts from oil and gas leasing that were not sufficiently considered in the EISs for the current plans in the RGFO, and prepared the EA to disclose and analyze those impacts. As no new significant impacts from leasing have been identified, an EIS is not required.

For this reason, we deny this portion of the protests.

Issue 1i: BLM fails to comply with FLPMA when authorizing this lease sale because they have not demonstrated they would avoid unnecessary and undue degradation of resources in its DNAs.

BLM Response

RMPs identify uses that are allowable, restricted or prohibited on public lands for the duration of the plan. For fluid minerals, the RMP EIS analyzes effects of reasonably foreseeable development, and establishes which areas are open to oil and gas leasing, which are closed, and what stipulations apply to protect resources in open areas. These plans also generally identify unnecessary and undue degradation of resources associated with potential oil and gas development.

At the planning and leasing stages, it is not possible to identify all site-specific effects, as the site-specific locations and methods for development are not known. The two DNAs confirmed the leasing action has been adequately analyzed in the existing NEPA documents, and would

conform with the respective RMPs. The RGFO EA addressed effects from leasing and potential development to the extent possible given available information and assumptions, and confirmed that leasing would be consistent with the applicable RMPs.

Section 4 of the standard lease terms requires that the lessee exercise reasonable diligence in order to, “prevent unnecessary damage to, loss of, or waste of leased resources.” Section 6 of the standard lease terms provides that the lessee conduct operations in a manner that minimizes adverse impacts to the land, air, and water, to cultural, biological, visual, and other resources, and to other land uses or users.”

If BLM receives a site-specific development proposal, it will further evaluate the impacts of development, and at that time will be able to determine whether any of the potential impacts associated with the proposal would result in unnecessary or undue degradation of the public lands. If so, BLM could deny the proposal or require appropriate mitigation to ensure that approved activities are consistent with the RMPs, FLPMA, and the terms of the lease.

No new information was presented with this protest that would warrant further analysis. For these reasons, we deny this portion of the protests.

Issue 2: BLM is not following its own agency policies. BLM policy is flawed.

Protesting Organizations and Individuals: WEG, CBD, TWS, CH, EB

Issue 2a. BLM has the discretion not to lease and should exercise that discretion.

BLM Response

The Secretary of the Interior’s leasing discretion is exercised, in part, through the BLM field offices’ RMPs. Lands identified in an RMP as open to leasing may be leased subject to special stipulations to protect resources and prevent unnecessary or undue degradation. The parcels in the current lease sale were identified as open in the five field offices’ corresponding RMPs, and therefore are eligible for potential leasing. The Secretary has exercised his discretion not to lease certain parcels, through the deferral of parcels described above. The Secretary has not concluded that the other parcels proposed for this lease sale warrant deferral at his discretion. For these reasons, we deny this portion of the protests.

Issue 2b. BLM is not protecting public health and safety by requiring inadequate setback buffer distances from oil and gas operations.

BLM Response

No development of a leased parcel will occur until after BLM reviews a site-specific development proposal, including additional analysis of environmental and health and safety impacts, and decides whether to approve the development, and under what required conditions. An APD must include a Surface Use Plan of Operations (SUPO). The proposed operations and reclamation must be consistent with all applicable federal statutes (e.g., the Clean Air Act, the Clean Water Act, the Endangered Species Act, and the National Historic Preservation Act), regulations (such as 43 CFR part 3160 and the Onshore Orders), policies (such as BLM Gold

Book standards), the RMP, lease stipulations, and applicable state laws, such as the Colorado Oil and Gas Conservation Commission (COGCC) regulations.

Setbacks are defined by the COGCC regulations in the 600 Series, "Safety Regulations," particularly 604 Setback and Mitigation Measures for Oil and Gas Facilities, Drilling, and Well Servicing Operations. Briefly summarized, the following are the current setbacks for oil and gas operations per the COGCC regulations:

- Exception Zone Setback (Urban Mitigation Areas) - No well or production facility shall be located 500 feet or less from a Building Unit.
- Buffer Zone Setback - No well or production facility shall be located 1,000 feet or less from a building Unit.
- High Occupancy Buildings - No well or production facility shall be located 1,000 feet or less from a High Occupancy Building Unit.
- Designated Outside Activity Areas - No well or production facility shall be located 350 feet or less from the boundary of a Designated Outside Activity Area.
- Schools - No well or production facility shall be located 1,000 feet or less from the property line of a school.

In addition, the BLM reviews development proposals to ensure the applicants would take appropriate measures as specified in Orders and Notices to Lessees to protect the public from any hazardous conditions resulting from operations.

No new information was presented with this protest that would warrant further analysis. For these reasons, we deny this portion of the protests.

Issue 2c. The court-ordered preliminary injunction invalidated the BLM's 2018 lease sale public participation time limitations. The injunction applies to all parcels being offered under this policy, not just to greater sage-grouse habitat. BLM is increasingly and improperly relying on lease sale DNAs without public participation.

BLM Response

BLM Instruction Memorandum (IM) 2018-034 requires a 6-month lease parcel review schedule. It allows BLM state directors discretion to provide public scoping and public comment periods, and requires a 10-day protest period. For the December 2018 Lease Sale, BLM Colorado allowed for 15 days of public scoping for the RGFO EA, the DNA for WRFO, LSFO, and KFO, and the DNA for the GJFO and CRVFO. BLM also provided a 15-day public comment period for the RGFO EA. BLM Colorado did not adopt a public comment period for the DNAs, because it determined that the leasing was consistent with the governing plans, and the DNAs would adequately document the sufficiency of the existing NEPA analyses. The IM directs that in such circumstances, no further public comment period is required for a DNA.

The adequacy of the time allotment for public participation in the proposed Lease Sale is shown by the extensive public input received by BLM. The BLM received 23 public comment submissions during scoping for the WRFO, LSFO, and KFO DNA, including a single letter from Wilderness Workshop comprised of 102 separate form letters and a single petition letter from

Conservation Colorado with multiple form letters from 3,129 individuals. The BLM received 11 public comment submissions during scoping for the CRVFO and GJFO DNA, including one comprised of 86 separate form letters. The BLM also received recommendations from Colorado Parks and Wildlife (CPW) for lease stipulations to be applied to various parcels. The BLM received 7 public comment submissions during the scoping period for the RGFO EA, and 24 during the public comment period. Issues and concerns were raised during the scoping period for the UFO EA, which yielded 357 comments. The BLM also received 393 comments on the UFO EA during the public comment period. This total included 135 from individuals or businesses, 246 from members of a citizens group, 6 from environmental organizations, and 6 from governmental entities and elected officials.

In Case No. 1:18-cv-00187-REB, the Federal District Court in Idaho ordered, “The preliminary injunction *only* applies to oil and gas lease sales contained in whole or in part within the Sage-Grouse Plan Amendments’ recognized ‘Planning Area Boundaries’ encompassing ‘Greater Sage-Grouse Habitat Management Areas.’ (Emphasis in original) The court also ordered “[t]he preliminary injunction does not affect the existing six-month ‘Parcel Review Timeframe’ implemented in IM 2018-034.”

The 20 parcels proposed for the December 2018 Lease Sale are all located outside of Greater sage-grouse habitat.

No new information was presented with this protest that would warrant further analysis. For this reason, we deny this portion of the protests.

Issue 2d. Oil and gas companies leasing and developing federal fluid minerals should be indefinitely held financial liable for site restoration and remediation.

BLM Response

Oil and gas lessees and operators are responsible for performing all obligations under their lease while they hold record title or operating rights. BLM collects a considerable amount of information from operators used to manage federal and Indian oil and gas leases and evaluates the technical, safety, and environmental factors involved in drilling and producing on these leases when they submit various required permit applications, forms, logs, and reports. When reasonably required by BLM’s authorized officer, a contingency plan must be submitted describing procedures to be implemented by the operator to protect life, property, and the environment. The operator’s liability for damages to third parties is governed by applicable law.

The operator must comply with the pertinent orders of the authorized officer and other standards and procedures as set forth in the applicable laws, regulations, lease terms and conditions, and the approved drilling plan or subsequent operations plan. BLM’s staff and managers perform site inspections and administrative reviews, which could result in the levying of monetary assessments or penalties on operators that are not in compliance with their lease obligations. BLM requires all operations be conducted in a manner which protects the natural resources and the environmental quality.

Operators must exercise due care and diligence to assure that leasehold operations do not result in undue damage to surface or subsurface resources. Upon the conclusion of operations, the operator must reclaim the disturbed surface in a manner approved or reasonably prescribed by BLM's authorized officer. All spills or leakages of oil, gas, produced water, toxic liquids, or waste materials, blowouts, fires, personal injuries, and fatalities must be reported by the operator in accordance with regulations and as prescribed in applicable orders or notices. The operator must exercise due diligence in taking necessary measures, subject to approval by BLM's authorized officer, to control and remove pollutants and to extinguish fires. See, e.g., 43 CFR § 3162.5-1 (environmental obligations), § 3162.3-4 (well abandonment). In addition, under BLM's regulations, lessees and operators remain liable for conditions on the lease, even after they transfer record title or operating rights to another entity. 43 CFR §§ 3106.7-2 (responsibilities after assignment or transfer).

No new information was presented with this protest that would warrant further analysis. For these reasons, we deny this portion of the protests.

Issue 3: BLM must accurately account for all direct, indirect, and cumulative greenhouse gas contributions resulting from federal oil and natural gas development, including combustion. BLM's plans and decisions related to federal oil and natural gas development must comply with state and federal air quality standards. BLM is bound by CEQ regulations on greenhouse gasses and climate change. BLM is responsible for implementing oil and gas resource management decisions based on the conclusions of climate science, such as the need for phasing out the burning of fossil fuels, as part of a national effort to avoid the worst impacts from climate change.

Protesting Organizations and Individual: WEG, CBD, CH

BLM Response

These concerns were addressed in the RGFO December 2018 Lease Sale EA (see pages 14 to 37) and in the responses to public comments in the EA's Attachment F. The EA dedicated one of its subsections to presenting Colorado Air Resource Management Modeling Study (CARMMS) 2.0 future year 2025 predicted impacts for potential regional visibility, ozone and other air quality related parameter impacts for ten years of new federal oil and gas development, and a subsection with comprehensive cumulative GHG and climate change information that includes projected years 2020 and 2030 GHG emissions for two energy development scenarios, including post-production combustion of the oil and gas.

In order to adequately assess potential public health impacts at the local level, the CARMMS and "per-well" emissions estimates, provided in the RGFO EA for a typical well, account for local development phase emissions sources including land disturbance, drilling, fracturing and completion, and production phase operations sources including stationary engines, tanks, pneumatics, equipment leaks, etc. The RGFO EA includes a near-field (proximate drilling and fracturing operations, etc.) screening level impact assessment.

The RMP EISs for the KFO, LSFO, GJFO and WRFO describe potential regional visibility, ozone and other air quality related parameter impacts for future projected levels of new federal

oil and gas development. The June 2017 EA provides CARMMS predicted year 2021 regional visibility, deposition and ozone impacts for KFO, LSFO and WRFO (CARMMS predicted year 2021). It also contains supplemental statewide GHG and climate change information, including projections of GHG emissions from development and production, as well as post-production combustion of the oil and gas, for new Colorado federal oil and gas development through year 2021. This information augments the analyses in the EISs, and further informs the decision-maker's consideration of the impacts of leasing the proposed parcels.

These analyses considered state and federal impact thresholds, National Ambient Air Quality Standards, and for the RGFO EA, the General Conformity rule under the Clean Air Act.

CEQ's final guidance on NEPA analysis of GHG and climate change impacts was withdrawn in 2017, but BLM's NEPA documents include GHG and climate change analyses that use appropriate methods and information, some of which were elements of that guidance.

No new information was presented with this protest that would warrant further analysis. For these reasons, we deny this portion of the protests.

Issue 4: BLM fails to fully account for the social costs of developing and burning oil and gas including: lost opportunities in outdoor recreation, road damage and maintenance, degraded scenic qualities, impacts from more and larger wildfires, and air and water contamination.

Protesting Organizations and Individual: WEG, CBD, BM, CH

BLM Response

These concerns were addressed in the response to public comments in the RGFO December 2018 Lease Sale EA, Attachment F. As stated in the response to public comments, social cost of carbon estimates are just one approach that an agency can take to examine climate impacts associated with GHG emissions, and the BLM chose to use a different approach to more effectively inform the decision-maker and the public of potential climate change impacts at different scales. Additionally, the RMP-EISs for the GJFO, WRFO, LSFO, KFO, and GRSG provide appropriate analysis of climate change impacts from potential future oil and gas leasing and development of lands in the respective planning areas that include the subject parcels. The climate change analyses in the RMP-EISs and in the June 2017 EA qualitatively describe the adverse environmental impacts associated with climate change. BLM's Response to Issue 3 describes the quantitative statewide analysis of GHG emissions in the June 2017 EA.

Some protesters incorrectly state that the economic analyses conducted in the RMP-EISs were economic cost-benefit analyses, when in fact the analyses conducted in the RMP-EISs were economic impact analyses. Terms such as "benefits" and "costs" can have different and very specific definitions within a discipline, such as economics, which can differ from their meaning in an "ordinary language sense." The BLM appreciates that the protester highlighted this issue because it identifies the need for better precision in terminology. While the RMP-EIS analyses use terms such as "benefits," the analyses conducted in the RMP-EISs are regional economic impact analyses that discuss the effects of management actions on local/regional economic activity (often expressed in terms of employment, income, and output), and these effects are not

the same as “economic benefits” in the context of an economic cost-benefit analysis. In the RMP-EISs and the June 2017 EA, the BLM used the term “benefits” in the ordinary language sense, not as “economic benefits” in the sense of an economic cost-benefit analysis. The distinction is more than semantic because principles of cost-benefit analysis do not allow comparison of economic impacts with economic costs and benefits as part of the net benefit calculation. BLM is working to ensure greater clarity in its terminology in the future.

As discussed in more detail in the response to public comments in the RGFO December 2018 Lease Sale EA Attachment F, an economic impact analysis is distinct from a cost-benefit analysis and the social cost of carbon/methane estimates are a type of cost-benefit analysis. Therefore, without any other monetized benefits or costs reported, monetized estimates of the social cost of carbon/methane emissions would be presented in isolation, without any context for comparison. Quantifying only the costs of oil and gas development by using the social cost of carbon/methane metrics, but not the benefits (as measured by the economic value of the proposed oil and gas development and production generally equaling the price of oil and gas minus the cost of producing, processing, and transporting the minerals), would yield information that is both inaccurate and not useful for the decision-maker.

The RMP-EISs also address other direct, indirect, and cumulative effects from oil and gas development including impacts to recreation, scenic qualities, vegetation management, and air and water resources.

No new information was presented with this protest that would warrant further analysis. For these reasons, we deny this portion of the protests.

Issue 5: BLM has not accounted for all impacts related to water resources.

Protesting Organizations and Individual: WEG, CBD, PA

Issue 5a: BLM failed to take a look at the direct, indirect, and cumulative impacts of hydraulic fracturing on water quality and quantity and public health.

BLM Response

While the BLM is not analyzing site-specific impacts at the lease sale stage, parcel-specific reviews are conducted at this stage based on maps and resource information to identify what RMP lease stipulations will apply to leases in addition to the standard lease terms. BLM RMPs identify no surface occupancy and controlled surface use stipulations for hydrology, soils, aquatic species and geology that are applied to parcels, where appropriate, to minimize the risk of hazardous spills, stormwater runoff, and sedimentation of water resources caused by oil and gas operations including hydraulic fracturing. BLM conducts further NEPA analysis at the APD stage, including further analysis of potential impacts of hydraulic fracturing, based on site-specific conditions and the proposed drilling technology. At that time, BLM identifies appropriate conditions of approval to further mitigate potential resource impacts. Operators are required to obtain stormwater permits from the State of Colorado to minimize erosion and stormwater runoff. Often this includes a containment barrier around the well pad.

BLM Onshore Orders 1 and 2 provide requirements for submitting an APD, submitting all required approvals, and standards for drilling operations on federal land, which may include well casing and cementing requirements to isolate groundwater resources, and minimize risk to surface and groundwater interactions. Pressure (bradenhead) testing is done to ensure there are no leaks in the well. A loss of pressure may be due to changes in porosity, geologic properties, well integrity, or potential loss in drilling fluids. Isolated instances of contamination related to hydraulic fracturing have occurred in the U.S., but these occurred in different geologic formations than Colorado, and likely were due to well poorly cemented well casings leading to, leaking seals, or mishandling of fluids.

BLM Onshore Order 7 requires operators to properly dispose of produced water or flowback water from hydraulic fracturing by trucking it off-site to an approved disposal facility. Operators often recycle water to reduce the use of fresh water.

In addition, COGCC rule 205A requires the disclosure of chemicals used in the hydraulic fracturing process, and rule 318A part f, requires groundwater baseline sampling and monitoring.

No new information was presented with this protest that would warrant further analysis. For these reasons, we deny this portion of the protests.

Issue 5b: BLM needs to conduct a full study of available water, the amount used by the oil and gas industry, and the amount needed by human and natural communities.

BLM Response

See discussion of water resource-related stipulations and conditions of approval above under issue 5a. BLM completes further analysis of the direct, indirect, and cumulative effects to water resources at the APD stage, when site-specific information is available. The SUPO, a component of an APD, includes environmental protections for water, including methods for safely disposing waste, and preventing runoff from surface disturbances, and reclamation. The operator must indicate how it plans to dispose of its drilling fluids and any produced oil or water recovered during testing operations. The operator must describe plans for the construction and lining, if necessary, of the reserve pit. An operator may not dispose of produced water without prior approval, and disposal is subject to state and federal regulations. Operators must have an instream flow water right or leased water to support drilling operations, and water rights are secured through the Colorado Water Conservation Board.

The BLM Gold Book - Surface Operating Standards and Guidelines for Oil and Gas Development, as well as BLM Onshore Order 7 (for produced water), guide the BLM and operators in proper design and implementation of practices to minimize effects to water resources. The Gold Book also includes best management practices for design of roads, well pads, culverts and other stream crossings.

No new information was presented with this protest that would warrant further analysis. For these reasons, we deny this portion of the protests.

Issue 6. BLM should defer leasing all CRVFO parcels from the 2018 oil and gas lease sale.

Protesting Organizations: CBD

BLM Response

BLM deferred leasing the CRVFO parcels during different stages of the Lease Sale schedule. No CRVFO parcels will be offered in the December 13, 2018 Lease Sale. For this reason, we dismiss this portion of the protests.

Issue 7: BLM must closely evaluate impacts to wildlife including big game species, yellow-billed cuckoo, bald eagle, northern goshawk, purple martin, and threatened and endangered species.

Protesting Organization and Individual: WEG, LB

BLM Response

All BLM oil and gas lease sale proposals are reviewed by CPW to assist BLM in evaluating how development of parcels may affect wildlife species in Colorado and help ensure appropriate wildlife protection lease stipulations are applied to each parcel. For the December 2018 Lease Sale, BLM Colorado deferred parcels that contain big game habitat in cooperation with a request from the State of Colorado to delay leasing to allow consideration of further habitat protections. These deferrals include the highest priority big game winter habitat and seasonal migration corridors.

At the time of leasing, BLM does not yet know whether the proposed parcels will be leased, whether a future lessee would propose to develop the lease, or what specific locations and operating procedures may be proposed. Currently, neither BLM, CPW, nor USFWS has further information about potential future operations; and therefore, the agencies cannot make more specific determinations of effects on any special status species including Bald Eagle, Northern Goshawk, Yellow-billed Cuckoo, or Purple Martin. If oil and gas operations are proposed for any of the leases, the BLM would augment its existing analysis with a site-specific NEPA analysis of the proposals using the best available tools and most current data. New field surveys also could be required. If any sensitive species and habitat are identified during the site-specific evaluation at the APD stage, and it is determined that additional habitat conservation measures (beyond BLM's lease stipulations) are needed, they would be incorporated into the permit to drill as COAs. If the analyses indicate the proposed action may affect listed species or critical habitat, BLM will consult with USFWS under Section 7.

No new information was presented with this protest that would warrant further analysis. For these reasons, we deny this portion of the protests.

Issue 8. BLM failed to analyze the impacts of new drilling and development on the Colorado River and endangered fish habitat resulting from the lease sale. River flows will be depleted by the industry and by a drying climate. These impacts will require new Endangered Species Act Section 7 consultation with the US Fish and Wildlife Service before leasing.

Protesting Organization: CBD

BLM Response

Water depletions associated with BLM's fluid minerals program in the upper Colorado River basin in Colorado have been addressed in a Programmatic Biological Opinion (PBO) (ES/GJ-6-CO-08-F-0006) issued by the USFWS dated December 26, 2017. The PBO includes Conservation Measures that BLM will implement as lease stipulations, which minimize the negative effects of water depletion and further the recovery of the endangered fishes. The PBO concludes that water depletions associated with BLM's fluid minerals program in the upper Colorado River basin in Colorado are not likely to jeopardize the continued existence of the Colorado pikeminnow, razorback sucker, humpback chub or bonytail. The PBO similarly concludes that water depletions associated with BLM's fluid minerals program in the upper Colorado River basin in Colorado are not likely to destroy or adversely modify designated critical habitat for the Colorado pikeminnow, razorback sucker, humpback chub or bonytail. Prior to the issuance of the new PBO in 2017, water depletions associated with BLM's fluid minerals program in the upper Colorado River basin in Colorado were addressed in an earlier PBO (#ES/GJ-6-CO-08-F-0073) dated December 19, 2008, in connection with an interagency agreement between the USFWS and BLM on the four endangered big-river fishes of the Colorado River watershed.

As noted in response to issue 7, at the time of leasing, BLM does not yet know whether the proposed parcels will be leased, whether a future lessee would propose to develop the lease, or what specific locations and operating procedures may be proposed. Currently, the agencies have no further information about potential future operations and; therefore, cannot make a more specific determination of effects. If oil and gas operations are proposed for any of the subject leases, the BLM would augment its existing analysis with a site-specific NEPA analysis of the proposals using the best available tools and most current data. If the analyses indicate the proposed action may affect listed species or critical habitat, BLM will consult with USFWS under Section 7.

No new information was presented with this protest that would warrant further analysis. For these reasons, we deny this portion of the protests.

DECISION

After consideration of the issues raised in the protests, the protests of 20 parcels are denied. The 20 parcels identified on the Sale Notice, as amended, will be offered at the December 13, 2018 Lease Sale.

Appeal Information

This Decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 C.F.R., Part 4 and Form 1842-1 (enclosed). If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from your receipt of this Decision. The protestor has the burden of showing that the Decision appealed from is in error.

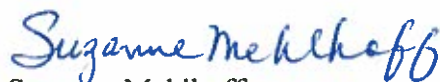
You may file a notice of appeal by paper copy only. Even if the BLM has previously corresponded with you by email, facsimile, or social media means, the BLM will not accept a notice of appeal transmitted electronically (e.g., by email, facsimile, or social media means). Also, the BLM will not accept a petition for stay that is transmitted electronically. Both the notice of appeal and any petition for stay must be received on paper at the office identified above.

If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must be submitted to each party named in this decision, to the IBLA, and to the appropriate Office of the Solicitor (see 43 C.F.R. 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.



Suzanne Mehlhoff
Deputy State Director
Division of Energy, Lands and Minerals

Enclosure

1 – Appeal Form (1842-1)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS

DO NOT APPEAL UNLESS

1. This decision is adverse to you,
AND
2. You believe it is incorrect

IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED

1. NOTICE OF APPEAL	A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that he wishes to appeal. A person served with the decision being appealed must transmit the <i>Notice of Appeal</i> in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a <i>Notice of Appeal</i> in time for it to be filed within 30 days after the date of publication (43 CFR 4.411 and 4.413).
2. WHERE TO FILE NOTICE OF APPEAL	Colorado State Office (CO-920) Bureau of Land Management 2850 Youngfield Street Lakewood, Colorado 80215
WITH COPY TO SOLICITOR	Regional Solicitor, Rocky Mountain Region U.S. Department of the Interior 755 Parfet Street, Suite 151 Lakewood, Colorado 80215
3. STATEMENT OF REASONS WITH COPY TO SOLICITOR	Within 30 days after filing the <i>Notice of Appeal</i> , file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the <i>Notice of Appeal</i> , no additional statement is necessary (43 CFR 4.412 and 4.413). Regional Solicitor, Rocky Mountain Region U.S. Department of the Interior 755 Parfet Street, Suite 151 Lakewood, Colorado 80215
4. ADVERSE PARTIES	Within 15 days after each document is filed, each adverse party named in the decision and the Regional Solicitor or Field Solicitor having jurisdiction over the State in which the appeal arose must be served with a copy of: (a) the <i>Notice of Appeal</i> , (b) the Statement of Reasons, and (c) any other documents filed (43 CFR 4.413).
5. PROOF OF SERVICE	Within 15 days after any document is served on an adverse party, file proof of that service with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. This may consist of a certified or registered mail "Return Receipt Card" signed by the adverse party (43 CFR 4.401(c)).
6. REQUEST FOR STAY	Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a <i>Notice of Appeal</i> (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your <i>Notice of Appeal</i> (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the <i>Notice of Appeal</i> and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that all communications are identified by serial number of the case being appealed.

NOTE: A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

43 CFR SUBPART 1821--GENERAL INFORMATION

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Washington, D.C. and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

STATE OFFICES AND AREAS OF JURISDICTION:

Alaska State Office ----- Alaska
Arizona State Office ----- Arizona
California State Office ----- California
Colorado State Office ----- Colorado
Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri
and, all States east of the Mississippi River
Idaho State Office ----- Idaho
Montana State Office ----- Montana, North Dakota and South Dakota
Nevada State Office ----- Nevada
New Mexico State Office ---- New Mexico, Kansas, Oklahoma and Texas
Oregon State Office ----- Oregon and Washington
Utah State Office ----- Utah
Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Washington Office, Bureau of Land Management, 1849 C Street, NW, Washington, DC 20240.

(Form 1842-1, September 2006)

